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**THE  
JUVENILE JUSTICE  
COMMITTEE**

**ACTION PACKET**

**Tuesday, April 4, 2006  
10:15 – 11:00 AM**

# COMMITTEE MEETING REPORT

## Juvenile Justice Committee

4/4/2006 10:15:00AM

**Location:** 214 Capitol

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Faye Culp (Chair)	X		
Gustavo Barreiro			X
Audrey Gibson	X		
Matthew Meadows	X		
Mitch Needelman	X		
Frank Peterman	X		
Anthony Traviesa	X		
<b>Totals:</b>	<b>6</b>	<b>0</b>	<b>1</b>

## COMMITTEE MEETING REPORT

### Juvenile Justice Committee

4/4/2006 10:15:00AM

Location: 214 Capitol

HB 27 : Juvenile Delinquents

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gustavo Barreiro			X		
Audrey Gibson	X				
Matthew Meadows	X				
Mitch Needelman	X				
Frank Peterman	X				
Anthony Traviesa	X				
Faye Culp (Chair)	X				
Total Yeas: 6		Total Nays: 0			

#### Appearances:

Juvenile Delinquents

William Samek, Ph.D. (General Public) - Opponent

Self

7241 SW 63rd Avenue

Miami Florida 33143

Phone: 305-552-5000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 27

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (X/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

4.4.06

Council/Committee hearing bill: Juvenile Justice Committee  
Representative Antone offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (3) and (7) of section 985.04,  
Florida Statutes, are amended to read:

985.04 Oaths; records; confidential information.--

(3)(a) Except as provided in subsections (2), (4), (5),  
and (6), and s. 943.053, all information obtained under this  
part in the discharge of official duty by any judge, any  
employee of the court, any authorized agent of the Department of  
~~Juvenile Justice~~, the Parole Commission, the Department of  
Corrections, the juvenile justice circuit boards, any law  
enforcement agent, or any licensed professional or licensed  
community agency representative participating in the assessment  
or treatment of a juvenile is confidential and may be disclosed  
only to the authorized personnel of the court, the Department of  
~~Juvenile Justice~~ and its designees, the Department of  
Corrections, the Parole Commission, law enforcement agents,  
school superintendents and their designees, the principal of a  
private school attended by the juvenile, any licensed

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professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(b) The department shall disclose to the school superintendent, and the principal of a private school attended by the child, the presence of any child in the care and custody or under the jurisdiction or supervision of the department who has a known history of criminal sexual behavior with other juveniles; is an alleged juvenile sex offender, as defined in s. 39.01; or has pled guilty or nolo contendere to, or has been found to have committed, a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless of adjudication. Any employee of a district school board or of a private school who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of

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the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7)(a) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools if the child attends public school, or the principal of a private school attended by the child, that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of schools if the child attends public school, or the principal of a private school attended by the child, ~~the child's school~~ that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools or private school principal pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the public school of the child. Public and private school principals ~~The principal~~ must immediately notify the child's immediate classroom teachers. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 1006.09(1)-(4).

Section 2. Subsection (1) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.--

(1) A child may be taken into custody under the following circumstances:

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84 (a) Pursuant to an order of the circuit court issued under  
85 this part, based upon sworn testimony, either before or after a  
86 petition is filed.

87 (b) For a delinquent act or violation of law, pursuant to  
88 Florida law pertaining to a lawful arrest. If such delinquent  
89 act or violation of law would be a felony if committed by an  
90 adult or involves a crime of violence, the arresting authority  
91 shall immediately notify the district school superintendent, or  
92 the superintendent's designee, of the school district with  
93 educational jurisdiction of the child and the principal of a  
94 private school attended by the child. Such notification shall  
95 include other education providers such as the Florida School for  
96 the Deaf and the Blind, university developmental research  
97 schools, and private elementary and secondary schools. The  
98 information obtained by the superintendent of schools or a  
99 private school principal pursuant to this section must be  
100 released within 48 hours after receipt to appropriate school  
101 personnel, including the principal of the child's public school,  
102 or as otherwise provided by law. Public and private school  
103 principals ~~The principal~~ must immediately notify the child's  
104 immediate classroom teachers. Information provided by an  
105 arresting authority pursuant to this paragraph may not be placed  
106 in the student's permanent record and shall be removed from all  
107 school records no later than 9 months after the date of the  
108 arrest.

109 (c) By a law enforcement officer for failing to appear at  
110 a court hearing after being properly noticed.

111 (d) By a law enforcement officer who has probable cause to  
112 believe that the child is in violation of the conditions of the  
113 child's probation, home detention, post commitment probation, or  
114 conditional release supervision, has absconded from

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nonresidential commitment, or has escaped from residential commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Subsection (6) is added to section 985.21, Florida Statutes, to read:

985.21 Intake and case management.--

(6) Subject to appropriation, the department, as part of its intake and case management system under this section, shall:

(a) Establish access to databases maintained by the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security, which permit law enforcement agencies to screen alien records and immigration information.

(b) Screen each child brought into intake to determine the child's citizenship based upon government documentation. If the department determines that the child is not a United States citizen or if the department is unable to determine whether the child is a United States citizen, the department shall utilize the databases under paragraph (a) to determine the child's citizenship and whether he or she is lawfully present in the United States.

(c) The department shall notify the appropriate authorities within the United States Department of Homeland Security of any child:

1. Who is alleged pursuant to probable cause affidavit to have committed an act that would be crime if committed by an adult and for whom the department, after the screening required in paragraph (b): is unable to determine whether the child is



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145 lawfully present in the United States; or has determined that  
146 the child is not lawfully present in the United States.

147 2. Who has been found to have committed an act that would  
148 be a crime if committed by an adult and for whom the department  
149 after the screening required in paragraph (b): is unable to  
150 determine whether the child is lawfully present in the United  
151 States; has determined that the child is not lawfully present in  
152 the United States; or has determined that the child is a lawful  
153 alien if the crime committed by the child results in  
154 classification of the child as a deportable alien under the  
155 Immigration and Naturalization Act of 1952 (8 U.S.C.A. §§ 1101  
156 et seq.), as amended or as may be amended.

157 (d) The department shall maintain information collected  
158 under this subsection in a centralized database and shall  
159 establish procedures to make this information available to  
160 federal, state, and local law enforcement agencies and the state  
161 court system.

162 (e) The department shall adopt rules pursuant to ss.  
163 120.536(1) and 120.54 to implement this subsection.

164 Section 4. Subsection (11) of section 985.215, Florida  
165 Statutes, is amended to read:

166 985.215 Detention.--

167 (11)(a) When a juvenile sexual offender is placed in  
168 detention, detention staff shall provide appropriate monitoring  
169 and supervision to ensure the safety of other children in the  
170 facility.

171 (b) When a juvenile sexual offender, pursuant to this  
172 subsection, is released from detention or transferred to home  
173 detention or nonsecure detention, detention staff shall  
174 immediately notify the appropriate law enforcement agency and

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175 school personnel at the public or private school attended by the  
176 offender.

177 Section 5. Subsection (4) of section 985.228, Florida  
178 Statutes, is amended to read:

179 985.228 Adjudicatory hearings; withheld adjudications;  
180 orders of adjudication.--

181 (4) If the court finds that the child named in the  
182 petition has committed a delinquent act or violation of law, it  
183 may, in its discretion, enter an order stating the facts upon  
184 which its finding is based but withholding adjudication of  
185 delinquency and placing the child in a probation program under  
186 the supervision of the department or under the supervision of  
187 any other person or agency specifically authorized and appointed  
188 by the court. The court may, as a condition of the program,  
189 impose as a penalty component restitution in money or in kind,  
190 community service, a curfew, urine monitoring, revocation or  
191 suspension of the driver's license of the child, or other  
192 nonresidential punishment appropriate to the offense, and may  
193 impose as a rehabilitative component a requirement of  
194 participation in substance abuse treatment, or school or other  
195 educational program attendance. If the child is attending public  
196 or private school and the court finds that the victim or a  
197 sibling of the victim in the case was assigned to attend or is  
198 eligible to attend the same school as the child, the court order  
199 shall include a finding pursuant to the proceedings described in  
200 s. 985.23(1)(d). If the court later finds that the child has not  
201 complied with the rules, restrictions, or conditions of the  
202 community-based program, the court may, after a hearing to  
203 establish the lack of compliance, but without further evidence  
204 of the state of delinquency, enter an adjudication of

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delinquency and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

Section 6. Paragraph (d) of subsection (1) of section 985.23, Florida Statutes, is amended to read:

985.23 Disposition hearings in delinquency cases.--When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(1) Before the court determines and announces the disposition to be imposed, it shall:

(d) Give all parties present at the hearing an opportunity to comment on the issue of disposition and any proposed rehabilitative plan. Parties to the case shall include the parents, legal custodians, or guardians of the child; the child's counsel; the state attorney; representatives of the department; the victim if any, or his or her representative; representatives of the school system; and the law enforcement officers involved in the case. If the child is attending or is eligible to attend public or private school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court shall, on its own motion or upon the request of any party or any parent or legal guardian of the victim, determine whether it is appropriate to enter a no contact order in favor of the victim or a sibling of the victim. If appropriate and acceptable to the victim and the victim's parent or parents or legal guardian, the court may reflect in the written disposition order that the victim or the victim's parent stated in writing or in open court that he or she did not object to the offender being permitted to attend the same school or ride on the same school bus as the victim or a sibling of the victim.

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36  
237 It is the intent of the Legislature that the criteria set forth  
238 in subsection (2) are general guidelines to be followed at the  
239 discretion of the court and not mandatory requirements of  
240 procedure. It is not the intent of the Legislature to provide  
241 for the appeal of the disposition made pursuant to this section.

242 Section 7. Subsection (1) of section 985.231, Florida  
243 Statutes, is amended to read:

244 985.231 Powers of disposition in delinquency cases.--

245 (1)(a) The court that has jurisdiction of an adjudicated  
246 delinquent child may, by an order stating the facts upon which a  
247 determination of a sanction and rehabilitative program was made  
248 at the disposition hearing:

249 1. Place the child in a probation program or a  
250 postcommitment probation program under the supervision of an  
251 authorized agent of the department or of any other person or  
252 agency specifically authorized and appointed by the court,  
253 whether in the child's own home, in the home of a relative of  
254 the child, or in some other suitable place under such reasonable  
255 conditions as the court may direct. A probation program for an  
256 adjudicated delinquent child must include a penalty component  
257 such as restitution in money or in kind, community service, a  
258 curfew, revocation or suspension of the driver's license of the  
259 child, or other nonresidential punishment appropriate to the  
260 offense and must also include a rehabilitative program component  
261 such as a requirement of participation in substance abuse  
262 treatment or in school or other educational program. If the  
263 child is attending or is eligible to attend public or private  
264 school and the court finds that the victim or a sibling of the  
265 victim in the case is attending or may attend the same school as  
266 the child, the court placement order shall include a finding

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267 pursuant to the proceedings described in s. 985.23(1)(d). Upon  
268 the recommendation of the department at the time of disposition,  
269 or subsequent to disposition pursuant to the filing of a  
270 petition alleging a violation of the child's conditions of  
271 postcommitment probation, the court may order the child to  
272 submit to random testing for the purpose of detecting and  
273 monitoring the use of alcohol or controlled substances.

274 a. A classification scale for levels of supervision shall  
275 be provided by the department, taking into account the child's  
276 needs and risks relative to probation supervision requirements  
277 to reasonably ensure the public safety. Probation programs for  
278 children shall be supervised by the department or by any other  
279 person or agency specifically authorized by the court. These  
280 programs must include, but are not limited to, structured or  
281 restricted activities as described in this subparagraph, and  
282 shall be designed to encourage the child toward acceptable and  
283 functional social behavior. If supervision or a program of  
284 community service is ordered by the court, the duration of such  
285 supervision or program must be consistent with any treatment and  
286 rehabilitation needs identified for the child and may not exceed  
287 the term for which sentence could be imposed if the child were  
288 committed for the offense, except that the duration of such  
289 supervision or program for an offense that is a misdemeanor of  
290 the second degree, or is equivalent to a misdemeanor of the  
291 second degree, may be for a period not to exceed 6 months. When  
292 restitution is ordered by the court, the amount of restitution  
293 may not exceed an amount the child and the parent or guardian  
294 could reasonably be expected to pay or make. A child who  
295 participates in any work program under this part is considered  
296 an employee of the state for purposes of liability, unless  
297 otherwise provided by law.

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298       b. The court may conduct judicial review hearings for a  
299 child placed on probation for the purpose of fostering  
300 accountability to the judge and compliance with other  
301 requirements, such as restitution and community service. The  
302 court may allow early termination of probation for a child who  
303 has substantially complied with the terms and conditions of  
304 probation.

305       c. If the conditions of the probation program or the  
306 postcommitment probation program are violated, the department or  
307 the state attorney may bring the child before the court on a  
308 petition alleging a violation of the program. Any child who  
309 violates the conditions of probation or postcommitment probation  
310 must be brought before the court if sanctions are sought. A  
311 child taken into custody under s. 985.207 for violating the  
312 conditions of probation or postcommitment probation shall be  
313 held in a consequence unit if such a unit is available. The  
314 child shall be afforded a hearing within 24 hours after being  
315 taken into custody to determine the existence of probable cause  
316 that the child violated the conditions of probation or  
317 postcommitment probation. A consequence unit is a secure  
318 facility specifically designated by the department for children  
319 who are taken into custody under s. 985.207 for violating  
320 probation or postcommitment probation, or who have been found by  
321 the court to have violated the conditions of probation or  
322 postcommitment probation. If the violation involves a new charge  
323 of delinquency, the child may be detained under s. 985.215 in a  
324 facility other than a consequence unit. If the child is not  
325 eligible for detention for the new charge of delinquency, the  
326 child may be held in the consequence unit pending a hearing and  
327 is subject to the time limitations specified in s. 985.215. If  
28 the child denies violating the conditions of probation or

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postcommitment probation, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation or postcommitment probation, the court shall enter an order revoking, modifying, or continuing probation or postcommitment probation. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation or postcommitment probation, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's probation program or postcommitment probation program.

(IV) Revoke probation or postcommitment probation and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a probation program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

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3. Commit the child to the department at a restrictiveness level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child from residential commitment into the community in a postcommitment nonresidential conditional release program. If the child is eligible to attend public or private school following commitment and the court finds that the victim or a sibling of the victim in the case is or may be attending the same school as the child, the commitment order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). If the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the probation program to be implemented by the department, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be



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391 the receiving and dispensing agent. In such case, the court  
392 shall order the child or the child's parent or guardian to pay  
393 to the office of the clerk of the circuit court an amount not to  
394 exceed the actual cost incurred by the clerk as a result of  
395 receiving and dispensing restitution payments. The clerk shall  
396 notify the court if restitution is not made, and the court shall  
397 take any further action that is necessary against the child or  
398 the child's parent or guardian. A finding by the court, after a  
399 hearing, that the parent or guardian has made diligent and good  
400 faith efforts to prevent the child from engaging in delinquent  
401 acts absolves the parent or guardian of liability for  
402 restitution under this subparagraph.

403 7. Order the child and, if the court finds it appropriate,  
404 the child's parent or guardian together with the child, to  
405 participate in a community work project, either as an  
406 alternative to monetary restitution or as part of the  
407 rehabilitative or probation program.

408 8. Commit the child to the department for placement in a  
409 program or facility for serious or habitual juvenile offenders  
410 in accordance with s. 985.31. Any commitment of a child to a  
411 program or facility for serious or habitual juvenile offenders  
412 must be for an indeterminate period of time, but the time may  
413 not exceed the maximum term of imprisonment that an adult may  
414 serve for the same offense. The court may retain jurisdiction  
415 over such child until the child reaches the age of 21,  
416 specifically for the purpose of the child completing the  
417 program.

418 9. In addition to the sanctions imposed on the child,  
419 order the parent or guardian of the child to perform community  
420 service if the court finds that the parent or guardian did not  
421 make a diligent and good faith effort to prevent the child from

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engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the department for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(b) When any child is found by the court to have committed a delinquent act and is placed on probation, regardless of adjudication, under the supervision of or in the temporary legal custody of the Department of Juvenile Justice, the court shall order the parents of such child to pay fees to the department as provided under s. 985.2311.

(c) Any order made pursuant to paragraph (a) shall be in writing as prepared by the clerk of court and may thereafter be modified or set aside by the court.

(d) Any commitment of a delinquent child to the department must be for an indeterminate period of time, which may include periods of temporary release; however, the period of time may not exceed the maximum term of imprisonment that an adult may serve for the same offense, except that the duration of a

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453 minimum-risk nonresidential commitment for an offense that is a  
454 misdemeanor of the second degree, or is equivalent to a  
455 misdemeanor of the second degree, may be for a period not to  
456 exceed 6 months. The duration of the child's placement in a  
457 commitment program of any restrictiveness level shall be based  
458 on objective performance-based treatment planning. The child's  
459 treatment plan progress and adjustment-related issues shall be  
460 reported to the court quarterly, unless the court requests  
461 monthly reports. The child's length of stay in a commitment  
462 program may be extended if the child fails to comply with or  
463 participate in treatment activities. The child's length of stay  
464 in the program shall not be extended for purposes of sanction or  
465 punishment. Any temporary release from such program must be  
466 approved by the court. Any child so committed may be discharged  
467 from institutional confinement or a program upon the direction  
468 of the department with the concurrence of the court. The child's  
469 treatment plan progress and adjustment-related issues must be  
470 communicated to the court at the time the department requests  
471 the court to consider releasing the child from the commitment  
472 program. Notwithstanding s. 743.07 and this subsection, and  
473 except as provided in ss. 985.201 and 985.31, a child may not be  
474 held under a commitment from a court under this section after  
475 becoming 21 years of age. The department shall give the court  
476 that committed the child to the department reasonable notice, in  
477 writing, of its desire to discharge the child from a commitment  
478 facility. The court that committed the child may thereafter  
479 accept or reject the request. If the court does not respond  
480 within 10 days after receipt of the notice, the request of the  
481 department shall be deemed granted. This section does not limit  
482 the department's authority to revoke a child's temporary release

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status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(e) In carrying out the provisions of this part, the court may order the natural parents or legal custodian or guardian of a child who is found to have committed a delinquent act to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child or to enhance their ability to provide the child with adequate support, guidance, and supervision. The court may also order that the parent, custodian, or guardian support the child and participate with the child in fulfilling a court-imposed sanction. In addition, the court may use its contempt powers to enforce a court-imposed sanction.

(f) The court may at any time enter an order ending its jurisdiction over any child.

(g) Whenever a child is required by the court to participate in any work program under this part or whenever a child volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or probation program, the child is an employee of the state for the purposes of liability. In determining the child's average weekly wage unless otherwise determined by a specific funding program, all remuneration received from the employer is a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

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(h) The court may, upon motion of the child or upon its own motion, within 60 days after imposition of a disposition of commitment, suspend the further execution of the disposition and place the child in a probation program upon such terms and conditions as the court may require. The department shall forward to the court all relevant material on the child's progress while in custody not later than 3 working days prior to the hearing on the motion to suspend the disposition.

(i) The nonconsent of the child to commitment or treatment in a substance abuse treatment program in no way precludes the court from ordering such commitment or treatment.

(j) If the offense committed by the child was grand theft of a motor vehicle, the court:

1. Upon a first adjudication for a grand theft of a motor vehicle, may place the youth in a boot camp, unless the child is ineligible pursuant to s. 985.309, and shall order the youth to complete a minimum of 50 hours of community service.

2. Upon a second adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudication, may place the youth in a boot camp, unless the child is ineligible pursuant to s. 985.309, and shall order the youth to complete a minimum of 100 hours of community service.

3. Upon a third adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudications, shall place the youth in a boot camp or other treatment program, unless the child is ineligible pursuant to s. 985.309, and shall order the youth to complete a minimum of 250 hours of community service.

Section 8. Paragraph (f) of subsection (4) of section 985.233, Florida Statutes, is amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

985.233 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.--

(4) SENTENCING ALTERNATIVES.--

(f) School attendance.--If the child is attending or is eligible to attend public or private school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceeding described in s. 985.23(1)(d).

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.234.

Section 9. Paragraph (1)(d) and subsection (6) of section 985.308, Florida Statutes, are amended to read:

985.308 Juvenile sexual offender commitment programs; sexual abuse intervention networks.--

(1) In order to provide intensive treatment and psychological services to a juvenile sexual offender committed to the department, it is the intent of the Legislature to establish programs and strategies to effectively respond to juvenile sexual offenders. In designing programs for juvenile sexual offenders, it is the further intent of the Legislature to implement strategies that include:

(d) Providing notification to the public or private school to which the juvenile sexual offender is returning, the parents or legal guardians of the victim, and law enforcement, when a juvenile sexual offender returns into the community.

(6) The department shall establish protocol and procedures to notify public and private schools, the appropriate law

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

574 enforcement agencies, and the court when a juvenile sexual  
575 offender returns to the community.

576 Section 10. This act shall take effect October 1, 2006.

577  
578 ===== T I T L E A M E N D M E N T =====

579 Remove the entire title and insert:

580 A bill to be entitled

581 An act relating to juvenile delinquents; amending s. 985.04,  
582 F.S.; authorizing disclosure of specified confidential juvenile  
583 records to private school principals; requiring the Department  
584 of Juvenile Justice, law enforcement officers, and state  
585 attorneys to provide notice to private school principals of  
586 specified juvenile offenders; providing criminal penalties for a  
587 private school employee who improperly discloses specified  
588 confidential information; requiring principals to notify  
589 classroom teachers of specified information; amending s.  
590 985.207, F.S.; requiring the arresting authority to provide  
591 notice to private school principals of specified juvenile  
592 offenders; requiring principals to notify classroom teachers of  
593 specified information; amending s. 985.21, F.S.; requiring the  
594 department, subject to appropriation, to establish access to  
595 federal immigration databases; requiring the department to  
596 screen each child brought into intake to determine his or her  
597 citizenship; requiring the department to screen specified  
598 children in federal immigration databases to determine  
599 citizenship and whether they are lawfully present in this  
600 country; requiring the department to notify appropriate  
601 authorities within the federal Department of Homeland Security  
602 of specified children whose citizenship cannot be determined,  
603 who are not lawfully present in this country, and who are  
604 deportable aliens; requiring the department to maintain

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

citizenship information in a centralized database and to share  
that information with specified entities; requiring the  
department to adopt rules; amending s. 985.215, F.S.; requiring  
detention staff to notify public and private school personnel of  
a juvenile sexual offender's release; amending ss. 985.228,  
985.23, 985.231, and 985.233, F.S.; providing for no contact  
orders in cases where the victim and juvenile offender are, or  
may be, attending the same public or private school; amending s.  
985.308, F.S.; requiring notification of public and private  
schools to which a juvenile sexual offender is returning;  
requiring the department to establish procedures for such  
notice; providing an effective date.



# COMMITTEE MEETING REPORT

## Juvenile Justice Committee

4/4/2006 10:15:00AM

Location: 214 Capitol

HB 403 CS : School Attendance

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gustavo Barreiro			X		
Audrey Gibson		X			
Matthew Meadows	X				
Mitch Needelman	X				
Frank Peterman	X				
Anthony Traviesa	X				
Faye Culp (Chair)	X				
Total Yeas: 5		Total Nays: 1			

## COMMITTEE MEETING REPORT

### Juvenile Justice Committee

4/4/2006 10:15:00AM

Location: 214 Capitol

HB 605 CS : Public Records

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gustavo Barreiro			X		
Audrey Gibson				X	
Matthew Meadows	X				
Mitch Needelman	X				
Frank Peterman	X				
Anthony Traviesa	X				
Faye Culp (Chair)	X				
Total Yeas: 5		Total Nays: 0			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. CS/HB 605

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

4.4.06

Council/Committee hearing bill: Juvenile Justice Committee  
Representative Culp offered the following:

**Amendment (with title amendment)**

Remove line(s) 157-261 and insert:

group treatment leaders, group treatment leader supervisors,  
rehabilitation therapists, and social services counselors of the  
Department of Juvenile Justice, the names, home addresses,  
telephone numbers, and places of employment of spouses and  
children of such personnel, and the names and locations of  
schools and day care facilities attended by the children of such  
personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
the State Constitution. This subparagraph is subject to the Open  
Government Sunset Review Act in accordance with s. 119.15 and  
shall stand repealed on October 2, 2011, unless reviewed and  
saved from repeal through reenactment by the Legislature.

8.7- An agency that is the custodian of the personal  
information specified in subparagraph 1., subparagraph 2.,  
subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~  
subparagraph 6., or subparagraph 7. and that is not the employer  
of the officer, employee, justice, judge, or other person

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

specified in subparagraph 1., subparagraph 2., subparagraph 3.,  
subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or  
subparagraph 7. shall maintain the exempt status of the personal  
information only if the officer, employee, justice, judge, other  
person, or employing agency of the designated employee submits a  
written request for maintenance of the exemption to the  
custodial agency.

Section 2. For the purpose of incorporating the amendment  
made by this act to section 119.071, Florida Statutes, in a  
reference thereto, section 409.2577, Florida Statutes, is  
reenacted to read:

409.2577 Parent locator service.--The department shall  
establish a parent locator service to assist in locating parents  
who have deserted their children and other persons liable for  
support of dependent children. The department shall use all  
sources of information available, including the Federal Parent  
Locator Service, and may request and shall receive information  
from the records of any person or the state or any of its  
political subdivisions or any officer thereof. Any agency as  
defined in s. 120.52, any political subdivision, and any other  
person shall, upon request, provide the department any  
information relating to location, salary, insurance, social  
security, income tax, and employment history necessary to locate  
parents who owe or potentially owe a duty of support pursuant to  
Title IV-D of the Social Security Act. This provision shall  
expressly take precedence over any other statutory nondisclosure  
provision which limits the ability of an agency to disclose such  
information, except that law enforcement information as provided  
in s. 119.071(4)(d) is not required to be disclosed, and except  
that confidential taxpayer information possessed by the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

52 Department of Revenue shall be disclosed only to the extent  
53 authorized in s. 213.053(15). Nothing in this section requires  
54 the disclosure of information if such disclosure is prohibited  
55 by federal law. Information gathered or used by the parent  
56 locator service is confidential and exempt from the provisions  
57 of s. 119.07(1). Additionally, the department is authorized to  
58 collect any additional information directly bearing on the  
59 identity and whereabouts of a person owing or asserted to be  
60 owing an obligation of support for a dependent child. The  
61 department shall, upon request, make information available only  
62 to public officials and agencies of this state; political  
63 subdivisions of this state, including any agency thereof  
64 providing child support enforcement services to non-Title IV-D  
65 clients; the custodial parent, legal guardian, attorney, or  
66 agent of the child; and other states seeking to locate parents  
67 who have deserted their children and other persons liable for  
68 support of dependents, for the sole purpose of establishing,  
69 modifying, or enforcing their liability for support, and shall  
70 make such information available to the Department of Children  
71 and Family Services for the purpose of diligent search  
72 activities pursuant to chapter 39. If the department has  
73 reasonable evidence of domestic violence or child abuse and the  
74 disclosure of information could be harmful to the custodial  
75 parent or the child of such parent, the child support program  
76 director or designee shall notify the Department of Children and  
77 Family Services and the Secretary of the United States  
78 Department of Health and Human Services of this evidence. Such  
79 evidence is sufficient grounds for the department to disapprove  
80 an application for location services.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Section 3. The Legislature finds that it is a public

necessity that the home addresses, telephone numbers, and

photographs of current or former juvenile probation officers,

juvenile probation supervisors, detention superintendents,

assistant detention superintendents, senior juvenile detention

officers, juvenile detention officer supervisors, juvenile

detention officers, house parents I and II, house parent

supervisors, group treatment leaders, group treatment leader

supervisors, rehabilitation therapists, and social services

counselors of the Department of Juvenile Justice, the names,

home addresses, telephone numbers, and places of employment of

spouses and children of such personnel, and the names and

locations of schools and day care facilities attended by the

children of such personnel be made exempt from public records

requirements. This exemption is justified because, if such

information were not made exempt from public records

requirements, a juvenile probation officer, juvenile probation

supervisor, detention superintendent, assistant detention

superintendent, senior juvenile detention officer, juvenile

detention officer supervisor, juvenile detention officer, house

parent, house parent supervisor, group treatment leader, group

treatment leader supervisor, rehabilitation therapist or social

services counselor of the Department of Juvenile Justice or his

or her

===== T I T L E   A M E N D M E N T =====

Remove line(s) 16-23 and insert:

treatment leaders, group treatment leader supervisors,

rehabilitation therapists, and social services counselors

of the Department of Juvenile Justice, the names, home

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

111 addresses, telephone numbers, and places of employment of  
112 spouses and children of such personnel, and the names and  
113 locations of schools and day care facilities attended by  
114 the children of such personnel; providing for review and  
115 repeal;  
116  
117

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# COMMITTEE MEETING REPORT

## Juvenile Justice Committee

4/4/2006 10:15:00AM

**Location:** 214 Capitol

### Summary:

#### Juvenile Justice Committee

*Tuesday April 04, 2006 10:15 am*

HB 27 Favorable With Committee Substitute

Yeas: 6 Nays: 0

HB 403 CS Favorable

Yeas: 5 Nays: 1

HB 605 CS Favorable With Committee Substitute

Yeas: 5 Nays: 0